

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAYA ZABAR,

Plaintiff

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION, ET AL.,

**DECLARATION OF BRYAN D.
GLASS, ESQ., IN OPPOSITION
TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

18 Civ. 6657 (PGG)

Defendants.

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BRYAN D. GLASS, ESQ., pursuant to 28 U.S.C. § 1746, and subject to the penalty of perjury, declares that the following is true and correct:

1. I am the attorney for Plaintiff Maya Zabar in the above-captioned matter.

As such, I am familiar with the facts stated herein.

2. I submit this declaration in opposition to Defendants' motion for summary judgment pursuant to Rule 56(b) of the Federal Rules of Civil Procedure.

3. Annexed hereto as Exhibits "1" to "24" are admissible documents and depositions taken of Plaintiff and Defendants who gave deposition testimony in this action and related actions which are relied upon and cited in Plaintiff's Local Civil Rule 56.1 counterstatement of undisputed material facts, and Plaintiff's memorandum of law, submitted herewith in opposition to Defendants' motion. These documents and excerpts are as follows:

A. Annexed hereto as Exhibit "1" is a true and correct copy of the Deposition Transcripts of Maya Zabar dated May 7, 2019 and May 24, 2019.

B. Annexed hereto as Exhibit "2" is a true and correct copy of the

Deposition Transcript of Manuel Urena dated May 2, 2019.

- C. Annexed hereto as Exhibit “3” is a true and correct copy of the Deposition Transcript of Lynn Rosales dated April 29, 2019.
- D. Annexed hereto as Exhibit “4” is a true and correct copy of the Annual Rating for the 2015-2016 school year produced by Defendants at DEFZAB_E000014.
- E. Annexed hereto as Exhibit “5” is a true and correct copy of the October 13, 2016 Observation Report produced by Plaintiff at P012-016.
- F. Annexed hereto as Exhibit “6” is a true and correct copy of the November 30, 2016 APPR Grievance produced by Defendants at DEF1809.
- G. Annexed hereto as Exhibit “7” is a true and correct copy of the Annual Rating for the 2016-2017 School Year produced by Defendants at DEF1719.
- H. Annexed hereto as Exhibit “8” is a true and correct copy of Plaintiff’s Charge received by the U.S. Equal Employment Opportunity Commission on March 15, 2018 produced by Defendants at DEF1843-DEF1845 .
- I. Annexed hereto as Exhibit “9” is a true and correct copy of the Amended Complaint and attached Exhibit A right to sue letter filed in Case 1:18-cv-06657-PGG, Dkt 37 on October 4, 2018 .
- J. Annexed hereto as Exhibit “10” is a true and correct copy of the

November 11, 2016 Email chain between Alice O'Neil and Maya Zabar titled "Re: Harassment at Art and Design HS" produced by Plaintiff at P179-P180.

- K. Annexed hereto as Exhibit "11" is a true and correct copy of the April 25, 2018 Email Chain titled "Ms. Zabar's Gallery Show" produced by Defendants at DEFZAB_E000648 - DEFZAB_E000650.
- L. Annexed hereto as Exhibit "12" is a true and correct copy of the Email Chain titled "Sky Gallery Show - 2 requests" produced by Defendants at DEFZAB_E000589.
- M. Annexed hereto as Exhibit "13" is a true and correct copy of the Email Chains between Principal Manuel Urena and AP Sari Perez "Re: Zabar is on 13 days" produced by Defendants at DEFZAB_E000701 and "Re: Zabar - letter of attendance" produced by Defendants at DEFZAB_E000700- DEFZAB_E000703.
- N. Annexed hereto as Exhibit "14" is a true and correct copy of the September 6, 2018 Email Chain titled "For Today: Arts & Design HS Lawsuit" produced by Defendants at DEFZAB_E000805- DEFZAB_E000809".
- O. Annexed hereto as Exhibit "15" is a true and correct copy of the Email and Attached Letter of Suspension dated September 12, 2018 produced by Defendants at DEFZAB_E000811- DEFZAB_E000813.

- P. Annexed hereto as Exhibit “16” is a true and correct copy of the Text Message between Manuel Urena and Superintendent Marisol Rosales on September 2, 2017 produced by Defendants at DEF1916.
- Q. Annexed hereto as Exhibit “17” is a true and correct copy of the *NY Post* Article dated September 10, 2018 produced by Defendants at DEF1661-DEF1662.
- R. Annexed hereto as Exhibit “18” is a true and correct copy of the Affidavit of Jason Agosto dated November 23, 2020.
- S. Annexed hereto as Exhibit “19” is a true and correct copy of the Affidavit of Todd Young dated November 22, 2020.
- T. Annexed hereto as Exhibit “20” is a true and correct copy of the APPR Grievance Opinion and Award removing the October 13, 2016 observation produced by Defendants at DEFZAB_E000238-242.
- U. Annexed hereto as Exhibit “21” is a true and correct copy of the December 14, 2017 APPR Resolution Request Decision produced by Defendants at DEF1817.
- V. Annexed hereto as Exhibit “22” is a true and correct copy of the April 30, 2018 Email Chain titled “Re: How are things?” produced by Defendants at DEF2056-DEF2058.
- W. Annexed hereto as Exhibit “23” is a true and correct copy of the Annual Rating for the 2017-2018 school year produced by Defendants at DEF1720.

X. Annexed hereto as Exhibit “24” is a true and correct copy of the Reassignment Letter dated September 12, 2018 produced by Defendants at DEF1398.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 23, 2020

GLASS HARLOW & HOGROGIAN LLP
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By: _____ s/_____
Bryan D. Glass, Esq.